IMT Nuremberg Archives

H – 1063

International Court of Justice

H1063 – 0001

Com. B
Shumway
Take 2, Pg. 13
2 July 1130-1300
Mueller

1305

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

H1063-0002

2 JULY 1946

COMMISSIONERS:

Colonel A.M.S. Neave

POLITICAL LEADERS

(The Commission convened at 1300 hours)

COLONEL NEAVE: Does the witness realize he is still under oath.

DR. RICHARD MUELLER, a witness took the stand and testified as follows: THE WITNESS: Yes.

COLONEL NEAVE: We will not consider further in the examination, but I just want to discuss a matter of the affidavit.

DR. GRUBE: I wanted to submit the affidavit on point 1 regarding the hearing of Dr. Mueller. Point 1 of the hearing was to have been who in Nazi terminology is a Political Leader. The answer to this question and the entire hearing regarding this point was postponed yesterday because Dr. Mueller has made an affidavit pertinent to this point and in the interest of saving time I wanted to conduct a hearing in such a manner as to read the affidavit during the session.

COLONEL NEAVE: Does this affidavit cover one point or all the points?

DR. GRUBE: Only pertinent to this one point on Nazi terminology of Political Leaders.

COLONEL NEAVE: Have the other points on which you called him been covered yet?

DR. GRUBE: They have all been taken care of.

COLONEL JONES: I speak for myself and I am not sure that Colonel Neave agrees with me. I do feel that if the affidavit is read like this that a great

H1063 - 0003

deal of time will be saved and will, ~~xxx~~ in effect, be exactly the same as though he had given evidence, and of course, in addition, it would be following the same procedure as has been adopted before the tribunal. The only difficulty I foresee is that whereas, before the Tribunal Defense ~~and~~ none handed a translation of the document before it is read. I understand here there may be some difficulty in providing translations.

COLONEL NEAVE: How long is the affidavit?

DR. GRUBE: 5 pages but they are big type.

COLONEL JONES: For myself and it would be in the interest of time, I come quite prepared to carry on so long as is necessary I might be allowed to have the witness back for cross examination after I have either received a copy of the affidavit or a translation. I don't anticipate but it probably won't be necessary in some cases unless Colonel Orlov would like to express his comments.

COLONEL NEAVE: Colonel ~~xx~~ Orlov would like to express his comments on the matter.

COLONEL ORLOV: Yes. I agree with Colonel Jones.

COLONEL NEAVE: I think there is no doubt that time will be save) opportunity and ~~opinion~~ will be given to the prosecution to recall this witness if they require him to do so when the transcript or the translation of the affidavit has been ~~retained if they wish to do so.~~ obtained —

COLONEL ORLOV: Very good.

COLONEL NEAVE: The commission will now adjourn until 2 o'clock and we will continue with the reading of this affidavit by the Defense Counsel.

The Commission adjourned at 1305 hours.

H1063-0004

Com B
Shumway
Take 2, Pg. ~~13~~ 15
2 July 1130-1300
Mueller

The foregoing is a true and correct transcript of the testimony of DR. RICHARD MUELLER, taken on 2 July 1946.

Mayora Shumway
Reporter (pp.

CERTIFIED TO:

M L Meade
Commissioner

Com B
Take 3, page 1
Biolsi
1400 - 1530
2 July 1946
Richard Mueller

H1063 - 0005

The Hearing reconvened at 1400 hours
2 July 1946

CROSS EXAMINATION - continued

COMMISSIONER:

Lt Col A. M. S. Neave

(The affidavit referred to at the beginning of the Hearing on 1 July 1946 is now being read into the record.)

DR GURBE:

(Reading) DR. RICHARD MUELLER, being duly sworn, deposes and says:

I, the undersigned, Dr. Richard Mueller, born in Munich on July 16, 1904, assure the correctness of the facts contained here. I know that they are to be submitted to the International Military Tribunal in Nurnberg. Any false statements will have penal prosecution as a consequence.

A. Personal History. From the 1st of November 1938 until the year 1945 I worked in the office of the then Reichsschatzmeister of the NSDAP. While working in this office I was the expert advisor for essential personnel affairs, and in particular for salaries and pensions. My last rank was that of Hauptbereichsleiter.

B. I am answering the following questions as shown:

1. Q Is it correct that in national socialist terminology the term politischleiter characterizes those people who were commissioned with the rank of a political leader?

A Yes.

H1063 - 0006

2. Q Was that the organization calling itself Corps of Political Leaders?

A No

3. Q Were the Politischeleiters organized in another sort of organization similar as were the SA, SS, from which one could resign or refuse the position?

A No.

4. Q Is it correct that the Corps of Politischeleiters, which is mentioned by the prosecution, in fact, represented in tremendous amount of people from all the different party offices which, however, was not a separate part of the NSDAP?

A Yes.

5. Q By estimate, how much of a percentage of these political leaders were honorary ones, and how many were full time employees?

A Honorary, at least 90%. Full time salaried employees, at least 3%.

6. Q Did the political leaders enjoy any advantages?

A No.

7. Q Is it correct that one differentiates where the political leader is concerned the office which he fulfilled within the party organization in the so-called Amtstraeger, and his rank as political leader?

A Yes.

8. Is it correct that one became Amtstraeger by appointment to office?

H1063 - 0007

A Yes.

9. Q Is it correct that in cases where the Amtstraeger became full time salaried employees, an employment contract became necessary between the Amtstraeger and the office subordinate to him and the future Amtstraeger?

A Yes.

10. Q Is it correct that one became a political leader only by being commissioned with the rank of political leader?

A Yes.

11. Q Would it be correct to say that the major fulfilment of an office in the party organization as Amtstraeger does not make one automatically a political leader?

A Yes.

12. Q Is it correct that the party offices which appointed someone to an office, and which commissioned him with the political rank did not have to be identical with each other?

A Yes.

13. Q Is it correct that the Gau political leader was appointed to his office by the Gauleiter while he was commissioned with the rank of political leader by the Fuehrer?

A Yes.

14. Q Is it correct that the authority of an Amtstraeger to issue directives and to make decisions as well as the extent of his responsibility did not depend upon his rank as political leader or his rank in the Politischeleiter

H1063 - 0008

but on his office?

A Yes.

15. Q I quote page 17 of the Organizations Book of the NSDAP which was submitted by the prosecution as Document PS-1893: "One must differentiate between appointments and commissions. Appointments are being made in regard to the office position. Commissions in regard to the rank. For instance, a party member may be appointed by a Gauleiter as a Gau manager or a chief of the Gau publicity office, or that sort of thing, but that does not immediately mean that he has been commissioned with a rank. In the examples mentioned here this commission would come from the Fuehrer."

On the basis of this quotation, which by the way corrrespondents to your statement made heretofore, would it have been possible without any further difficulty that someone, for instance, might have filled the position of Gau Economic Advisor or chief of the Gau Publicity Office as such, without at the same time being a political leader. Is that correct?

A Yes.

16. Q Is it correct that as it has happened in Nurnberg during the war, for instance, a Kriesleiter may exercise all the functions of a Gauleiter at the same time without having the political rank of a Gauleiter?

A Yes.

H1063 - 0009

17. Q Is it correct that one could, for instance, fulfill the office of Block or Zell leiter without at the same time having the rank of a political leader?

A Yes.

18. Q Is it correct that even women could fill offices which normally could be filled by political leaders?

A Yes.

19. Q Is it correct that the full time paid employees and the full time paid Amtstraegers received their wages and compensations and relief in case of illness - depended upon the position they had other than rank of political leader?

A Yes.

20. Q Is it correct that any clerk, office clerk, filing clerk, and so on, were commissioned with office of political leader ranks?

A Yes.

21. Q Is it correct that the rank of political leader to the greatest extent were given to groups of persons which had nothing to do with political leadership tasks, which were even prohibited from participating in the fulfilment of political leadership duties - as, for instance, bookkeepers and accountants and so on, in the office of the Reichsschatz-meister?

A Yes.

H1063 - 0010

22. Q On the basis of your statement the rank of political leader had nothing to do with the party position he had. That is why I am asking you:

a. Is it correct that not all Amtstraegers were political leaders?

A. Yes.

b. Is it correct that even very important Amtstraegers were not political leaders?

A Yes.

c. Is it correct that, for instance, in the office of the Reichsschatzmeister there were persons who were not political leaders?

A Yes.

d. Is it for instance correct that even the chief of the Reichzeugmeisterei at the Reichsschatzmeister was not a political leader though this office was very important and extensive?

A Yes.

e. Is it correct that for instance two people fulfilling the same duties, one of them could have been a political leader, the other one not a political leader?

A Yes.

f. Did it happen that an Amtstraeger had a lower rank of political leader than other Amtstraegers who were subordinate to him?

A Yes.

6

H1063 - 0011

g. Did it happen that an Amtstraeger was not a political leader at all, while an Amtstraeger subordinate to him would have the rank of political leader?

A. Yes.

h. You have just stated that the chief of the Reichzeugmeisterei with the Reichsschatzmeister was not a political leader. Is it correct that his deputy had the rank of political leader?

A Yes.

23. Q You stated that even Hauptbereichsleiters for the Amtstraeger in the economicoffice did not have to be a political leader. On the other hand you stated that an ordinary office holder was commissioned with the rank of political leader. This would mean:

a. The fact that someone was a political leader does not prove that he actually exercised political functions.

b. The fact that somebody was not a political leader does not prove that he did not have a position in the Party. Is that correct?

A Yes.

24. Q Is it correct that according to the party directives and the NS terminology the commission of political leader rank was an entirely unilateral so-called sovereign act of the competent Amtstraeger who was competent for the commissioning of political ranks (Fuehrer, Gauleiter, Kreisleiter)?

H1063 - 0012

A Yes.

25. Q Is it correct that the commissioning of a political leader rank took place without any obligation or without any agreement of the individual who was to be commissioned as political leader?

A Yes.

26. Q Is it correct, on the basis of the Party directives in the NS terminology, that the withdrawal of the rank of political leader was an eitrely unilateral so-called sovereign act of the competent Amtstraeger?

A Yes.

27. Q Is it correct that a political leader did not lose his rank as political leader when he resigned from his Party office, or when he declared he did not care to continue his political leader rank, but exclusively to a withdrawal of his political leader rank by the competent Amtstraeger?

A Yes.

Affidavit is signed, Richard Mueller

* * *

Copy of the affidavit in German
handed to Col Neave; and also to
Mr. Jones.

8

H1063-0013

BY COL GRIFFITH-JONES:

Q The term "political leaders", was an honorary title?

A Yes.

Q Do you mean by "honorary" that they were unpaid?

A By honorary I mean that they were unpaid.

Q You did not mean that they were carrying out no functions, but simply that they were unpaid.

A They fulfilled their functions without getting paid.

Q You told us that political leaders were commissioned as political leaders without agreement or without their being consulted.

A Yes, sir.

Q That was not the normal procedure, was it?

A Yes. Acceptance of a party function of course was generally a voluntary one, but the commission of someone with a rank of political leader was a unilateral action.

Q Are you telling us that all the political leiters from Blockleiter to Gauleiter, were commissioned without ever being consulted about the matter at all?

A Yes, it was generally the case that the commission of a political leiter rank took place without the consent of the individual.

Q If one of the people appointed that way wanted to

H1063-0014

resign or to refuse to accept it, what would stop him from doing so?

A I do not know of any such cases.

Q But I am asking you first of all, if there should have happened to be anybody who did not want to take this appointment, what was to stop him refusing it?

A I could not think of any reason why he should have refused to accept it being commissioned with that rank.

Q I must ask as I did yesterday, to try and answer my question.

A Yes, sir.

Q I am quite certain the interpreter is putting my question accurately, one can only imagine that you are deliberately refusing to answer. The only explanation to make is to answer the question. I will ask you to do so. I will ask the question once again: If anybody who had been appointed without being consulted either did not want to be appointed or subsequently wanted to resign -- what was there to stop him from resigning or refusing?

A I have stated before that I don't know of such a case, either if anyone wished to reject such a commission, or resign. It would have been assumed that it is contradictory to his ideas about his position. It probably would have had an effect upon his situation regarding the position.

H1063-0015

Q That is all that would happen, is it?

A I cannot answer that, because I don't know of any single case.

Q Thank you. That is all.

* * *

BY MR ARLOV:

Q What kind of ranks were there as political leiters?

A If I can start from the bottom - there were: Arbeitsleiter, Oberarbeitsleiter, Hauptarbeitsleiter. Within the individual category there were differences again, between the Arbeitsleiter, Oberarbeitsleiter and Hauptarbeitsleiter. Then followed the category of Einsatzleiter. There again the categories Obereinsatzleiter and Haupteinsatzleiter. Then came the categories of Gemeinschaftsleiter. Against Obergemeinschaftsleiter and Hauptgemeinschaftsleiter. Then came the category of the Abschnittsleiter (Section leiter). Again Oberabschnittsleiter and Hauptabschnittsleiter. Then came the category of the Bereichsleiter. Again with Oberbereichsleiter and Hauptbereichsleiter. Then came the category of the Dienstleiter. Again with Oberdienstleiter and Hauptdienstleiter. Then came the category of the Befehlsleiter. Again with Oberbefehlsleiter and Hauptbefehlsleiter. Then in a separate category came the Gauleiter and Deputy Gauleiter. And, finally, theReichsleiter.

I want to state here that the Gauleiters were as Hoheitstraegers, excepting Hess, who was not a Hoheitstraeger.

H1063 - 0016

The Reichsschatzmeister, who was a Reichleiter, had a special position as the Amtstraeger of the Befehlsleiter sovereignty.

Q Who had the right to commission these ranks?

A The commissioning of political leiters was done by the Fuehrer for all the ranks of the Reichleiter as well as for the ~~Gauleiters~~ Gauamtsleiter and Kreisamtsleiter, also for Gauleiter. The Gauleiter was authorized to commission all ranks from Kreisamtsleiter down.

Q The first question: (in the affidavit)"Is it correct that in national socialist terminology the term politischleiter characterizes those people who were commissioned with the rank of a political leader".

Are only those people to be characterized as political leiters who were commissioned with the rank of political leiter, or does that include other people also?

A As I said before, we characterized as political leiters only those who were commissioned to be political leiters.

Q As to question number 12: Is it correct that the Party offices which appointed someone to an office, and which commissioned him with the political rank did not have to be identical with each other.

I don't quite understand it.

A I will give an example. A Gauamtsleiter was appointed by a Gauleiter to his office.. However, the Fuehrer may have commissioned him with the rank. Or, to mention

H1063-0017

examples from the Party administration: A Gau treasurer was appointed to his office by the Reich treasurer. In this case the commission with the rank was made by the Fuehrer.

Q No further questions.

RE-DIRECT.

BY DR GURBE:

I have only one question in connection with enumeration of the ranks of political leiters. What were the political leiter ranks a Blockleiter could have?

A I am not quite sure about that because I have nothing to do with the ranks myself in my official capacity.

Q May I ask a question: On the basis of the Organization Book which has been introduced as PS 1893 - do you think that the Organization Book is correct when it states on page 100: The Blockleiter on the basis of personnel regulations can accept thefollowing ranks:

1st grade: Reichsschatzleiter
2nd grade: Oberreichsschatzleiter
3rd grade: Hauptreichssachtzleiter
4th grade: Einsatzleiter.

Is this correctly giving the ranks of the political leiters?

A Yes, there is no doubt about it.

Q The category of Reichsschatzleiter comes between Arbeitsleiter and Einsatzleiter?

A Yes.

H1063 - 0018

Q In regard to the Zellenleiter, they are also given four grades of political leiter ranks. They appear on page 111 of the Organization Book:

1st grade: Reichhauptshatzleiter
2nd grade: Einsatzleiter
3rd grade - Obereinsatzleiter
4th grade - Haupteinsatzleiter

Both groups of political ranks repeat themselves in their highest, respectively, lowest ranks?

A Yes.

Q According to the Organization Book, page 119 a, as follows:

1st grade: Gemeinschaftsleiter

...

BY COL JONES:

What is the object of all these items?

THE COMMISSIONER:

Yes, I cannot quite understand these questions. We are now trying to describe organizations...

DR GURBE:

I wanted to show up the difference between the ranks we just mentioned and the offices which they filled, the positions they had.

THE COMMISSIONER:

What for?

DR GURBE:

It was to serve as an illustration of the affidavit.

H1063-0019

COL GRIFFITH-JONES:

It is a matter of some interest -- the point is being continued about zellenleiters and blockleiters - that they are political leaders. We are n ow hearing for the first time they are....

THE COMMISSIONER:

I don't think that is quite what Dr Gurbe means. May we hear what it is he means?

DR GURBE:

We have always argued, and will continue to argue, that blockleiters and zell leiters were no Hoheitstraegers. Many hundreds of thousands of people who have fulfilled the functions of block leiter and zell leiter, thereby had the rank of block and zell leiters because the ranks which I have enumerated before -- that is, the Einsatzleiter, Haupteinsatzleiter and so on -- they have only fulfilled the functions, but have never been appointed to a political leiter.

COL GRIFFITH-JONES:

Yes. I had misunderstood.

THE COMMISSIONER:

I am wondering myself about this examination. Will you make your questions a bit clearer. It is very difficult to follow, for the sake of those who will want to read this transcript.

H1063 - 0020

DR GURBE:

I just wanted to know whether the function accorded to the rank in the case of blck and zell leiters and so on.. I wanted to bring out the fact that if one says, the man is a block leiter, it does not mean by any means that he was also a political leiter, because he was not commissioned with one of these four groups or grades - namely, Reichsschatzleiter, Oberreichsschatzleiter, Hauptreichsschatzleiter. That is what the questions were to elicit.

No further questions. But I would like to make the following statement:

The affidavit given by Dr. Mueller isvery relevant for the following reasons: This affidavit proves that the circle of individuals who were political leiters....

COL GRIFFITH-JONES:

The affidavit speaks for itself without...

THE COMMISSIONER:

I think it is for the Tribunal ~~and for me~~ to say whether the affidavit speaks for itself. I think it has been agreed with the defense counsel that they should not state at the close of their examination what they think has been proved. We had a discussion about that the other day. And, therefore, it would be quite sufficient for you to put this affidavit in, and give it a number. Is this the original copy that I have here?

H1063-0021

THE INTERPRETER:

I don't think so.

THE COMMISSIONER:

We better have one for the prosecution to translate.

COLGRIFFITH-JONES:

It will be translated, will it not?

* * *

A copy of the affidavit, in German, was handed to Col Griffith-Jones and to the Commissioner.

DR GURBE:

I will have one for you (to Mr Arlov) tomorrow.

THE COMMISSIONER:

Do you require this witness any further?

DR GURBE:

I believe it necessary because I believe that these questions are the focal point of the whole thing. That is why I imagine that the High Tribunal too will consider these questions very thoroughly.

THE COMMISSIONER:

Then it is possible that he will be called as a witness before he goes.

DR GURBE:

Yes, that is quite possible.

THE COMMISSIONER:

Then the witness can go now.

* * *

H1063 – 0022

The foregoing is a true and correct transcript of the testimony of RICHARD MUELLER, taken on 2 July 1946.

Genevieve Butler
Reporter

1-17
Reporter

Reporter

CERTIFIED TO:

Commissioner

Commissioner

File
H1063-0023

The Hearing reconvened at 1400 hours
2 July 1946

CROSS EXAMINATION - continued

COMMISSIONER :

Lt Col A.M.S. Neave.

(The affidavit referred to at the beginning of the Hearing on 1 July 1946 is now being read into the record.)

DR. GRUBE :

(Reading) DR. RICHARD MUELLER, being duly sworn deposes and says :

I the undersigned, Dr. Richard Mueller, born in Munich on July 16, 1904, assure the correctness of the facts contained here. I know that they are to be submitted to the International Military Tribunal in Nurnberg. Any false statements will have penal prosecution as a consequence.

A. Person History. From the 1st of November 1938 until the year 1945 I worked in the office of the then Reichsschatzmeister of the NSDAP. While working in this office I was the expert advisor for essential personnel affair, and in particular for salaries and pensions. My last rank was that of Hauptberichtsleiter.

B. I am answering the following questions as shown :

1. Q Is it correct that in national socialist terminology the term politischleiter characterizes those people who were commissioned with the rank of a political leader?

A Yes.

2. Q Was that the organization calling itself Corps of Political Leaders?

A No.

3. Q Were the politischeleiters organized in another sort of organization similar as were the SA, SS from which one could resign or refuse the position?

H1063 - 0024

A No.

4. Q Is it correct that the Corps of Politischeleiters, which is mentioned by the Prosecution, in fact, represented in tremendous amount of people from all the different party offices which, however, was not a separate part of the NSDAP?

A Yes.

5. Q By estimate, how much of a percentage of these politica leaders were honorary ones, and how many were full time employees?

A Honorary, at least 90 %. Full time salaried employees, at least 5 %.

6. Q Did the political leaders enjoy any advantages?

A No.

7. Q It is correct that one differentiates where the political leader is concerned the office which he fulfilled within the party organization in the so-called Amtstraeger and his rank as political leader?

A Yes.

8. Q Is it correct that one becomes Amtstraeger by appointment to office?

A Yes.

9. Q Is it correct that in cases where the Amtstraeger became full time salaried employees, an employment contract became necessary between the Amtstraeger and the office subordinate to him the future Amtstraeger?

A. Yes.

10 Q Is it correct that one became a political leader only by being commissioned with the rank of political leader?

A Yes.

11. Q Would it be correct to say that the major fulfilment of an office in the party organization as Amtstraeger does not make one automatically a political leader?

H1063-0025

A Yes.

12. Q Is it correct that the party offices which appointed someone to an office, and which commissioned him with the political rank did not have to be identical with each other?

A Yes.

13. Q Is it correct that the Gau political leader was appointed to his office by the Gauleiter while he was commissioned with the rank of political leader by the Fuehrer?

A Yes.

14. Q Is it correct that the authority of an Amtstraeger to issue directives and to make decisions as well as the extent of his responsibility did not depend upon his rank as political leader or his rank in the Politischeleiter but on his office?

A Yes.

15. Q I quote page 17 of the Organizations Book of the NSDAP which was submitted by the prosecution as Document PS-1893: "One must differentiate between appointements and commissions. Appointements are being made in regard to the office position. Commission in regard to the rank. For instance, a party member may be appointed by a Gauleiter as a Gau manager or a chief of thenGau publicity office, or that sort of thing, but that does not immediately mean that he has been commissioned with a rank. In the examples mentioned here this commission would come from the Fuehrer."

On the basis of this quotation, which by the way corresponds to your statement made heretofore, would it have been possible without any further difficulty that someone, for instance, might have filled the positionof Gau Economic Advisor or chief of the Gau Publicity Office as such, without at the

H1063 - 0026

same time being a political leader. Is that correct.

A Yes.

16. Q Is it correct that as it has happened in Nurnberg during the war, for instance, a Kreisleiter may exercise all the functions of a Gauleiter at the same time without having the policital rank of a Gauleiter?

A Yes.

17. Q Is it correct that one could, for instance, fulfill the office of Block or Zell leiter without at the same time having the rank of a political leader?

A Yes.

18 Q Is it correct that even women could fill offices which normally could be filled by political leaders?

A Yes.

19 Q Is it correct that the full time paid employees and the full time paid Amtstraegers received their wages and compensations and relief in case of illness - depended upon the position they had other than rank of political leader?

A Yes.

20. Q Is it correct that any clerk, office clerk, filing clerk, and so on, were commissioned with office of political leader ranks?

A Yes.

21. Q Is it correct that the rank of political leader to the greatest extent were given to groups of persons which had nothing to do with political leadership tasks, which were even prohibited from participating in the fulfilment of political leadership duties - as, for instance, bookkeepers and accountants and so on, in the office of the Reichsschatzmeister?

A Yes.

H1063 - 0027

22. Q On the basis of your statement the rank of political leader had nothing to do with the party position he had. That is why I am asking you:

a. Is it correct that not all Amtstraeger were political leaders?

A. Yes.

b. Is it correct that even very important Amtstraegers were not political leaders?

A Yes.

c. Is itcorrect that, for instance, in the office of the Reichsschatzmeister there were persons who were not political leaders?

A Yes.

d. Is it for instance correct that even the chief of the Reichszeugmeisterei at the Reichsschatzmeister was not a political leader though this office was very important and extensive?

A Yes.

e. Is it correct that for instance two people fulfilling the same duties, one of them could have been a political leader, the other one not a political leader?

A Yes.

f. Did it happen that an Amtstraeger had a lower rank of political leader than other Amtstraegers who were subordinate to him?

A Yes.

G. Did it happen that an Amtstraeger was not a political leader at all, while an Amtstraeger subordinate to him would have the rank of political leader?

A Yes.

h. You have just stated that the chief of the

H1063-0028

Reichszeugmeisterai with the Reichsschatzmeister was not a political leader. Is it correct that his deputy had the rank of political leader?

A Yes.

23. Q You stated that even Hauptberichtsleiters for the Amtstraeger in the economicoffice did not have to be a political leader. On the other hand you stated that an ordinary office holder was commissioned with the rank of political leader. This would mean :

a. The fact that someone was a political leader does not prove that he actually exercised political functions.

b. The fact that somebody was not a political leader does not prove that he did not have a position in the Party. Is that correct?

A Yes.

24. Q Is it correct that according to the party directives and the NS terminology the commission of political leader rank was an entirely unilateral so-called soverein act of the competent Amtstraeger who was competent for the commissioning of political ranks (Fuehrer, Gauleiter, Kreisleiter)?

A Yes.

25. Q Is it correct that the commissioning of a political leader rank took place without any obligation or without any agreement of the individual who was to be commissioned as political leader?

A Yes.

26. Q Is it correct, on the basis of the Party directives in the NS terminology, that the withdrawal of the rank of politicd leader was an entirely unilateral so-called soverein act of the competent Amtstraeger?

H1063 - 0029

A. Yes.

27. Q. Is it correct that a political leader did not lose his rank as political leader when he resigned from his party office, or when he declared he did not care to continue his political leader rank, but exclusively to a withdrawal of his political leader rank by the competent Amtstraeger?

A. Yes.

Affidavit is signed, Richard Mueller

- - - - -

Copy of the affidavit in German handed to Col Neave; and also to Mr. Jones.

H1063-0030

BY COL GRIFFITH-JONES:

Q The term "political leaders", was an honorary title?

A Yes.

Q Do you mean by "honorary" that they were unpaid?

A By honorary I mean that they were unpaid.

Q You did not mean that they were carrying out no functions, but simply that they were unpaid.

A They fulfilled their functions without getting paid.

Q You told us that political leaders were commissioned as political leaders without agreemant or without their being consulted.

A Yes, sir.

Q That was not the normal procedure, was it?

A Yes. Acceptance of a party function of course was generally a voluntary one, but the commission of someone with a rank of political leader was a unilateral action.

Q Are you telling us that all the political leiters from Blockleiter to Gauleiter, were commissioned without ever being consulted about the matter at all?

A Yes, it was generally the case that the commission of a political leiter rank took place without the consent of the individual.

Q If one of the people appointed that way wanted to resign or to refuse to accept it, what would stop him from doing so?

A I do not know of any such cases.

Q But I am asking you first of all, if there should have happened to be anybody who did not want to take this appointment, what was to stop him refusing it?

A I could not think of any reason why he should have refused to accept it being commissioned with that rank.

Q I must ask as I did yesterday, to try and answer my question.

A Yes, sir.

Q I am quite certain the interpreter is putting my question accurately, one can only imagine that you are deliberately refusing to answer. The only explanation to make is to answer the question. I will ask you to do so. I will ask the question once again: If anybody who had been appointed without being consulted

either did not want to be appointed or subsequently wanted to resign -- what was there to stop him from resigning or refusing?

A I have stated before that I don't know of such a cases, either if anyone wished to reject such a commission, or resign. It would have been assumed that it is contradictory to his ideas about his position. It probably would have had an effect upon his situation regarding the position.

Q That is all that would happen, is it?

A I cannot answer that, because I don't know of any single case.

Q Thank you. That is all.

* * *

BY MR ARLOV:

Q What kind of ranks were there as political leiters?

A If I can start from the bottom - there were: Arbeitsleiter, Oberarbeitsleiter, Hauptarbeitsleiter. Within the individual category there were differences again, between the Arbeitsleiter, Oberarbeitsleiter and Hauptarbeitsleiter. Then followed the category of Einsatzleiter. There again the categories Obereinsatzleiter. and Haupteinsatzleiter. Then came the categories of Gemeinschaftsleiter. Against Obergemeinschaftsleiter and Hauptgemeinschaftsleiter. Then came the category of the Abschnittsleiter (Section leiter). Again Oberabschnittsleiter and Hauptabschnittsleiter. Then came the category of the Bereichsleiter. Again with Oberbereichsleiter and Hauptbereichsleiter. Then came the category of the Dienstleiter. Again with Oberdienstleiter and Haupdienstleiter. Then came the category of the Befehsleiter. Again with Oberbefehlsleiter and Hauptbefehlsleiter. Then in a separate category came the Gauleiter and Deputy Gauleiter. And, finally, the Reichsleiter.

I want to state here that the Gauleiters were as Hoheitstraegers, excepting Hess, who was not a Hoheitstraeger. The Reichsschatzmeister, who was a Reichleiter. had a special position as the Amstraeger of the Befehleiter sovereignty.

Q Who had the right to commission these ranks?

A The commissioning of political leaders was done by the Fuehrer for all the ranks of the Reichsleiter as well as for the Gauamsleiter and Kreisamtsleiter, also for Gauleiter. The Gauleiter was authorized to commission all ranks from Kreisamtsleiter down.

H1063 - 0031

Q The first question: (in the affidavit) "Is it correct that in national socialist terminology the term politi. leiter characterizes those people who were commissioned with the rank of a political leader".

Are only those people to be charact rized as political leiters who were commissioned with the rank of political leiter, or does that include other people al,

A As I said before, we characterized as political leiters only those who were commissioned to be political leiters.

Q As to question number 12: Is it correct that the Party offices which appointed someone to an office, and which commissioned him with the political rank did not have to be identical with each her.

I don't quite understand it.

A I will give an example. A Gauamtsleiter was appointed by a Gauleiter to his office. However, the Fuehrer may have commissioned him with the rank. Or, to mention examples from the Party administration: A Gau treasurer was appointed to his office by the Reich treasurer. In this case the commission with the rank was made by the Fuehrer.

Q No further questions.

RE-DIRECT

BY DR GUERE:

I have only one question in connection with enumeration of the ranks of political leiters. What were the political leiters ranks a Blockleiter could have?

A I am not quite sure about that because I have nothing to do with the ranks myself in my official capacity.

Q May I ask a question: On the basis of the Organization Book which has been introduced as PS 1893 - do you think that the Organization Book is correct when it states on page 100: The Blockleiter on the basis of personnel regulations can accept the following ranks:

1st grade: Reichschatzleiter
2nd grade: Oberreichsschatzleiter
3rd grade: Hauptreichssachtzleiter
4th grade: Einsatzleiter.

Is this correctly giving the ranks of the political leiters?

A Yes, there is no doubt about it.

Q The category of Reichsschatzleiter comes between Arbeitsleiter and Einsatzleiter?

H1063 - 0032

H1063 - 0033

A Yes.

Q In regard to the Zellenleiter, they are also given four grades of political leiter ranks. They appear on page 111 of the Organization Book:

1st grade: Reichhauptshatzleiter
2nd grade: Einsatzleiter
3rd grade -Obereinsatzleiter
4th grade -Haupteinsatzleiter

Both groups of political ranks repeat themselves in their highest, respectively, lowest ranks?

A Yes.

Q According to the Organization Book, page 119a, as follows:

1st grade: Gemerinschaftsleiter

• • •

BY COL JONES:

What is the object of all these items?

THE COMMISSIONER: Yes, I cannot quite understand these questions. We are now trying to describe organizations...

DR GURBE: I wanted to show up the difference between the ranks we just mentioned and the offices which they filled, the positions they had.

THE COMMISSIONER: What for?

DR GURBE: It was to serve as an illustration of the affidavit.

COL GRIFFITH JONES: It is a matter of some interest -- the point is being continued about zellenleiters and blockleiters - that they are political leaders. We are now hearing for the first time they are...

THE COMMISSIONER: I don't think that is quite what Dr Gurbe means. May we hear what it is he means?

DR GURBE: We have always argued, and will continue to argue, that blockleiters and zellenleiters were no Hoheitstraegers. Many hundreds of thousands of people who have fulfilled the functions of blockleiters and zell leiter, thereby had the rank of block and zell leiters because the ranks which I have enumerated before -- that is, the Einsatzleiter, Haupteinsatxleiter and so on -- they have only fulfilled the functions, but have never been appointed to a political leiter.

COL GRIFFITH JONES: Yes. I had misunderstood.

THE COMMISSIONER: I am wondering myself about this examination. Will you make your questions a bit clearer. It is very difficult to follow, for the sake of those who will want to read this transcript.

H1063 - 0034

DR. GRUBE:

I just wanted to know whether the function accorded to the rank in the case of block and zell leiters and so on... I wanted to bring out the fact that if one says, the man is a block leiter, it does not mean by any means that he was also a political leiter, because he was not commissioned with one of these four groups or grades -- namely, Reichsschatzleiter, Oberreichsschatzleiter, Hauptreichsschatzleiter. That is what the questions were to elicit.

No further questions. But I would like to make the following statement:

The affidavit given by Dr. Mueller is very relevant for the following reasons: This affidavit proves that the circle of individuals who were political leiters...

COL. GRIFFITH-JONES:

The affidavit speaks for itself without.....

THE COMMISSIONER:

I think it is for the Tribunal to say whether the affidavit speaks for itself. I think it has been agreed with the defense counsel that they should not state at the close of their examination what they think has been proved. We had a discussion about that the other day. And, therefore, it would be quite sufficient for you to put this affidavit in, and give it a number. Is this the original copy that I have here?

THE INTERPRETER:

I don't think so.

THE COMMISSIONER:

We better have one for the prosecution to translate.

COL. GRIFFITH-JONES:

It will be translated, will it not?

* * * * * * *

A copy of the affidavit, in German, was handed to Col. Griffith-Jones and to the Commissioner.

DR. GRUBE: I will have one for you (to Mr. Arlov) tomorrow.

H1063-0035

THE COMMISSIONER:

Do you require this witness any further?

DR. GRUBE:

I believe it necessary because I believe that these questions are the focal point of the whole thing. That is why I imagine that the High Tribunal too will consider these questions very thoroughly.

THE COMMISSIONER:

Then it is possinlo that he will be called as a witness before he goes.

DR. GRUBE:

Yes, that is quite possible.

THE COMMISSIONER:

Then the witness can go now.

* * ** * * * * * * * * *

The foregoing is a true and correct transcript of the testimony of RICHARD MUELLER, taken on 2 July 1946.

Genevieve Biolsi
Reporter

CERTIFIED TO:

A. M. S. Neave, Lt. Col.
Commissioner